

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LUIS MINCHALA GUAMAN,

Petitioner,

v.

PATRICIA HYDE, et al.,

Respondents.

Civil Action No. 25-cv-11523-PBS

RESPONDENTS' THIRD STATUS REPORT

Pursuant to this Court's Order dated August 5, 2025, wherein this Court ordered that "the parties shall file a joint status report by August 8, 2025. Counsel for the petitioner shall report whether he has been able to speak with his client and, if so, whether his client consents either to transfer of his habeas petition to the District of New Mexico or to dismissal of his petition.", *see* Doc. No. 16, Respondent states that Petitioner remains detained in the Torrence County Detention facility in Estancia, New Mexico. As Respondents informed the Court in their Request for Modification filed on or about July 16, 2025, the undersigned counsel received a phone number and email address from his ICE contact and was able to reach an individual in El Paso, New Mexico detention facility who informed me that the phone numbers Petitioner's counsel had been calling to make contact at that facility were not the proper numbers for his request. On July 16, 2025, I sent an email to Petitioner's counsel with the appropriate number to make contact and that the facility would expedite a call. The undersigned asked Petitioner's counsel to send an email to me should he have any issues. None was received.

Likewise, on July 30, 2025, the undersigned sent an email to Petitioner's counsel asking whether he had any further success in reaching Petitioner with this new information, but no response was received thereto. On August 7, 2025, the undersigned emailed Petitioner's counsel again seeking that information and reminding him of this Court's request for a Joint Status Report to be filed on August 8, 2025, and received an automatic reply that Petitioner's counsel is on trial and would respond as soon as he is able to do so. The undersigned has not heard from Petitioner's counsel regarding this Status Report prior to filing this pleading today.

The Respondents have a pending Motion to Dismiss for Lack of Jurisdiction or, in the alternative, to transfer to New Mexico, attaching two uncontroverted declarations notifying the Court that Petitioner was not detained in Massachusetts when the Petition was filed. Respondents respectfully ask this Court to kindly rule on that Motion.

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

Dated: August 8, 2025

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